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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,247	02/15/2001	Brant L. Candelore	66255	6145

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EXAMINER	
SHORTLEDGE, THOMAS E	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/784,247	CANDELORE, BRANT L.	
	Examiner	Art Unit	
	Thomas E. Shortledge	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35 and 37-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35 and 37-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-35 and 37-51 are pending. Claims 1, 20, 37, 43 and 49 are independent.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/20/2006 has been entered.

Response to Amendment

3. The affidavit filed on 07/20/2006 under 37 CFR 1.131 is sufficient to overcome the Baron et al. (2002/0093435) reference.

Response to Arguments

4. Applicant's arguments with respect to claims 1-35 and 37-51 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9, 12-22, 23-25, 28-29 and 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Sukeda et al. (5,854,997).

As to claim 1, Sukeda et al. teach:

receiving one or more input commands in a communication device from a user, wherein the communication device comprises a single unit (an electronic interpreter to be used in communication, the electronic interpreter comprising a single unit (fig. 1), where the user selects a sentence to be inputted to the device, col. 5, lines 23-33);

outputting instructions in a target language that the user does not understand from the communication device in response to a received input command (a translation of the input is outputted in a language the user is unable to understand (col. 5, lines 50-60), and a footer area that is able to display a message or a mark for special processing, the message able to indicate, in a language that the user is unable to understand, instructions, fig 1, element 107 and col. 4, lines 12-15);

receiving a selection of the phrase from a list of phrases in the user's language (the user selects a sentence to be inputted to the device, col. 5, lines 23-33);

outputting the phrase in the target language from the communication device (outputting the translated phrase, col. 5, lines 30-33).

As to claim 20, Sukeda et al. teach:

input controls for receiving commands from a user (touch screen for input, Fig. 3, element 205);

a speaker (Fig. 3, element 203)

a processing system configured to play instructions in a target language that the user does not understand from the speaker in response to interaction with the input controls, wherein the instructions request a non-verbal response to a phrase (outputting audio in response to a screen selection, the output from the screen selection being translated into a different language than that of the users, (col. 4, lines 43-46, and col. 5, lines 29-34), the output having instructions for the response to be non-verbal, such as

"point" as well as respond with the selected phrase, or instructions to non-verbally select a phrase to respond with (col. 4, lines 12-15, and col. 7, lines 60-65);

the processing system further configured to receive a selection of the phrase from a list of phrases in the user's language and to play the phrase in the target language from the speaker (selecting phrases in the user's language, and outputting the translation through the speaker, col. 5, lines 23-33 and col. 7, lines 60-65);

wherein the apparatus for communicating comprises a single unit (Fig. 1).

As to claims 2 and 21, Sukeda et al. teach outputting all the instructions in a set of instructions (fig. 1, element 107, instructs users how to respond).

As to claims 3 and 22, Sukeda et al. teach outputting a selection of instructions in a set of instructions (instructing the user to point along with responding with the translated sentence, col. 5, lines 55-65).

As to claim 4, Sukeda et al. teach outputting to one of a speaker, built-in on screen display, external on screen display, wireless interface, universal serial bus, IEEE 1394, infrared interface and serial interface (outputting to a display or to a speaker, fig. 2 elements 203 and 204).

As to claim 5, Sukeda et al. teach receiving one or more input commands from one of a built-in button, external keyboard, internal microphone, wireless interface,

universal serial bus, IEEE 1394, infrared interface, and serial interface (inputting through a touch sensing panel or built-in buttons, Fig. 2, element 205 and Fig. 1, elements 108).

As to claim 6, Sukeda et al. teach the selection of instruction is based on the phase (asking where something is has instructions to point in that direction, col. 5, lines 55-65).

As to claims 7 and 23, Sukeda et al. teach displaying a list of responses in the target language and receiving a selection of one of the responses (fig. 1, element 106, and col. 4, elements 5-10).

As to claims 8 and 24, Sukeda et al. displaying a list of phrase categories in the user's language; and receiving a selection of one of the phrase categories (menu buttons call up cards, where the cards are collections of correlated sentences, where the user selects a sentence from one of these, col. 4, lines 60-67).

As to claims 9 and 25, Sukeda et al. teach receiving a selection of a portion of the phrase from a secondary list (selecting part of the sentence from one card, and the rest from another card, col. 6, lines 15-35).

As to claim 12 and 28, Sukeda et al. teach displaying a list of access categories and information fields; and receiving a selection to enable or disable one of the information fields for one of the access categories (selecting menu buttons linked to categories on cards, col. 6, lines 60-67).

As to claims 13 and 29, Sukeda et al. teach receiving a selection of one of the access categories; and displaying the information fields that re enabled for the selected access category (selecting a menu and displaying information from a card, col. 6, lines 60-67).

As to claims 14 and 31, Sukeda et al. teach the instructions further comprise stating a purpose of the communication device (Fig. 1, element 107).

As to claims 15 and 32, Sukeda et al. teach wherein the instructions further comprise stating how to respond with a yes or no answer (the output says how to respond to a question, where it would be necessary that if the answer the question would be either yes or no, the instructions would be select yes or no from the selectable sentences, col. 5, lines 35-50).

As to claims 16-18 and 33-35, Sukeda et al. teach the instructions further comprise stating how to respond to a request for directions, for a number or for time (the output instructions tell the user how to respond, such as if a direction is asked the user

is requested to point in a direction, where it would be necessary that is a number or time was asked for, much like when a direction is asked for, the user would be asked to respond accordingly, col. 5, lines 55-67).

As to claim 19, Sukeda et al. teach the instructions further comprise stating how to choose from a list of possible answers (Fig. 1, element 107).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 10-11, 26-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sukeda et al. as applied to claims 1 and 20 above, and further in view of Hayashi et al. (6,321,188).

As to claim 10 and 26, Sukeda et al. do not teach storing text in the user's language corresponding to a custom phrase; and storing audio in the target language corresponding to the custom phrase.

However, Hayashi et al. teach allowing the user to enter text entered in the user's language, creating a custom phrase, then storing this phrase for translation and output, (col. 16, lines 35-53), and generating and storing speech to be played in the target language corresponding to the custom phrase, col. 19, lines 1-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Sukeda et al. with the updating methods of Hayashi et al. to improve the method that two users use to communicate with each other in different languages, by allowing the user to update the language store by supplying custom phrases, as taught by Hayashi et al. (col. 2, lines 45-60).

As to claims 11 and 27, Sukeda et al. do not teach displaying a list of personal information fields in the user's language; and receiving data corresponding to one of the personal information fields.

However, Hayashi et al. teach allowing the user to input seating preferences within a restaurant or on a train, indicating the travel or eating preferences, where these preferences are stored to be translated and outputted in the target language, (col. 16, lines 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Sukeda et al. with the updating methods of Hayashi et al. to improve the method that two users use to communicate with each other in different languages, by allowing the user to update the language store by supplying custom phrases, as taught by Hayashi et al. (col. 2, lines 45-60).

As to claim 30, Sukeda et al. do not teach a headphone connector.

However, Hayashi et al. teach a headphone connector (col. 13, line 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Sukeda et al. with the updating methods of Hayashi et al. to improve the method that two users use to communicate with each other in different languages, by allowing the user to update the language store by supplying custom phrases, as taught by Hayashi et al. (col. 2, lines 45-60).

9. Claims 37-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sukeda et al. in view of Hayashi et al.

As to claim 37, Sukeda et al. teach:

receiving one or more input commands in a communication device, wherein the communication device comprises a single unit (an electronic interpreter to be used in communication, the electronic interpreter comprising a single unit (fig. 1), where the user selects a sentence to be inputted to the device, col. 5, lines 23-33);

receiving a selection of the phrase from a list of phrases in the user's language (where the user selects a sentence to be inputted to the device, col. 5, lines 23-33);

outputting the phrase in the target language from the communication device (outputting the translated phrase, col. 5, lines 30-33).

Sukeda et al. do not teach:

storing text entered by a user in the user's language corresponding to a custom phrase; storing audio in a target language corresponding to the custom phrase, nor a custom phrase.

However, Hayashi et al. teach:

storing text entered by a user in the user's language corresponding to a custom phrase (allowing the user to enter text entered in the user's language, creating a custom phrase, then storing this phrase for translation and output, col. 16, lines 35-53);

storing audio in a target language corresponding to the custom phrase (generating and storing speech to be played in the target language corresponding to the custom phrase, col. 19, lines 1-17); and a custom phrase (custom phrase, col. 19, lines 1-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Sukeda et al. with the updating methods of Hayashi et al. to improve the method that two users use to communicate with each other in different languages, by allowing the user to update the language store by supplying custom phrases, as taught by Hayashi et al. (col. 2, lines 45-60).

As to claim 43, Sukeda et al. teach:

input controls for receiving commands from a user (touch sensing panel, Fig. 2, element 205);

a speaker (Fig. 2, element 203);

a processing system further configured to receive a selection of the phrase from a list of phrases in the user's language and to play the phrase in the target language from the speaker (the user selects a phrase, the phrase is translated the output through the speaker, col. 5, lines 29-30, and col. 7, lines 55-65);

wherein the apparatus for communication comprises a single unit (fig. 1).

Sukeda et al. do not teach a processing system configured to store text entered by the user in the users language corresponding to a custom phrase and to store the audio in a target language corresponding to the custom phrase.

However, Hayashi et al. teach allowing the user to enter text entered in the user's language, creating a custom phrase, then storing this phrase for translation and output, (col. 16, lines 35-53), and generating and storing speech to be played in the target language corresponding to the custom phrase, col. 19, lines 1-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Sukeda et al. with the updating methods of Hayashi et al. to improve the method that two users use to communicate with each other in different languages, by allowing the user to update the language store by supplying custom phrases, as taught by Hayashi et al. (col. 2, lines 45-60).

As to claim 49, Sukeda et al. teach the communication device comprises a single unit (Fig. 1).

Sukeda et al. do not teach storing person information in a communication device using a user's language, the personal information including at least one of the user's

name, age, birth date, company affiliation, address, nationality, sex, marital status, customs, family, clothing preferences, clothing sizes, entertainment preferences, tourist preferences, professional background, educational background, hobbies, financial information, travel origination, travel destination, or food preference; and outputting one or more items of the personal information from the communication device in a target language.

However, Hayashi et al. teach allowing the user to input seating preferences within a restaurant or on a train, indicating the travel or eating preferences, where these preferences are stored to be translated and outputted in the target language, (col. 16, lines 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Sukeda et al. with the updating methods of Hayashi et al. to improve the method that two users use to communicate with each other in different languages, by allowing the user to update the language store by supplying custom phrases, as taught by Hayashi et al. (col. 2, lines 45-60).

As to claims 38 and 44, Sukeda et al. do not teach displaying a list of personal information fields in the user's language; and receiving data corresponding to one of the personal information fields.

However, Hayashi et al. teach allowing the user to input seating preferences within a restaurant or on a train, indicating the travel or eating preferences, where these

preferences are stored to be translated and outputted in the target language, (col. 16, lines 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Sukeda et al. with the updating methods of Hayashi et al. to improve the method that two users use to communicate with each other in different languages, by allowing the user to update the language store by supplying custom phrases, as taught by Hayashi et al. (col. 2, lines 45-60).

As to claims 39 and 45, Sukeda et al. teach receiving a selection of a portion of the custom phrase from a secondary list (selecting a menu and displaying information from a card, col. 6, lines 60-67).

As to claims 40 and 47, Sukeda et al. teach receiving a selection of a portion of the custom phrase from a secondary list (selecting a menu and displaying information from a secondary card, col. 6, lines 60-67).

As to claims 41 and 48, Sukeda et al. do not teach receiving audio in the target language through a microphone.

However, Hayashi et al. teach a microphone for input (col. 13, lines 8-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Sukeda et al. with the updating methods of Hayashi et al. to improve the method that two users use to communicate

with each other in different languages, by allowing the user to update the language store by supplying custom phrases, as taught by Hayashi et al. (col. 2, lines 45-60).

As to claim 42, Sukeda et al. teach receiving input commands in the communication device corresponding to the text in the user language (col. 5, lines 25-32).

As to claim 46, Sukeda et al. teach the processing system is further configured to receive a selection of a custom phrase category (col. 6, lines 59-67).

As to claim 50, Sukeda et al. do not teach the outputting the information is access controlled by the user.

However, Hayashi et al. teach the user is able to select user specific phrases to be outputted (col. 16, lines 14-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Sukeda et al. with the updating methods of Hayashi et al. to improve the method that two users use to communicate with each other in different languages, by allowing the user to update the language store by supplying custom phrases, as taught by Hayashi et al. (col. 2, lines 45-60).

As to claim 51, Sukeda et al. do not teach the access categories controlled by the user are selected from one or more of name, age, birth date, current data and time,

company affiliation, address, nationality, sex, marital status, customs, family, clothing preferences and sizes, entertainment preferences, tourist preferences, professional background, educational background, hobbies, financial information, travel origination and destination, and food preferences.

However, Hayashi et al. teach allowing the user to input seating preferences within a restaurant or on a train, indicating the travel or eating preferences, where these preferences are stored to be translated and outputted in the target language, (col. 16, lines 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods of Sukeda et al. with the updating methods of Hayashi et al. to improve the method that two users use to communicate with each other in different languages, by allowing the user to update the language store by supplying custom phrases, as taught by Hayashi et al. (col. 2, lines 45-60).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas E. Shortledge whose telephone number is (571)272-7612. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

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8/16/06